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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/606,840 | 06/27/2003 | Hidehiko Kumazawa | 11-167 | 4817 |
| 23400 | 7590 | 11/29/2005 | EXAMINER | |
| POSZ LAW GROUP, PLC 12040 SOUTH LAKES DRIVE SUITE 101 RESTON, VA 20191 | | | CHIN, GARY | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3661 | |

DATE MAILED: 11/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|--|--|
| Office Action Summary | Application No. 10/606,840 | Applicant(s) KUMAZAWA ET AL. | |
| | Examiner Gary Chin | Art Unit 3661 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>6/27/03</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
3. Claims 1-2 and 5-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyaguchi et al (patent no. 6373147).

As per claims 1, 9 and 10, figures 1-2 of the Miyaguchi et al reference disclose the claimed activation system for a passenger protection apparatus in accordance with a behavior of a vehicle including a collision acceleration sensor provided in a front of the vehicle (item 6), a conversion means for converting the analog signal outputted from the collision acceleration sensor into digital data (col. 6, lines 14-16), a transmission means (item 34 in figure 2) and a control unit (item 1) included therein a room acceleration sensor (item 8), a reception means (item 3) and a collision decision means (item 2) for making a decision on the occurrence of

Art Unit: 3661

collision of the vehicle on the basis of the output from the room acceleration sensor and the digital signal derived from the front acceleration sensor and for controlling the activation of the passenger protection apparatus (item 9) based upon the result of the decision. It is noted that the room acceleration sensor in Miyaguchi et al is located in the floor tunnel of the vehicle and is not explicitly indicated as in the central portion of the vehicle as claimed. However, it is readily apparent for one skilled in the art that the floor tunnel is usually located in the central portion of the vehicle as claimed.

As per claim 2, it would have been readily for one skilled in the art that the activation system as taught in Miyaguchi et al can be adapted for the claimed side collision in a similar fashion as in the front collision as disclosed therein without any inventive effort.

As per claims 5-8, it is noted that the claimed resolution and sampling rate have not been specifically indicated in the A/D converter (col. 6, lines 14-16) of the Miyaguchi et al reference. However, it is readily apparent for one skilled in the art that such resolution and sampling rate are normally used in order to achieve a proper conversion accuracy.

As per claims 9-10, the Miyaguchi et al reference in column 5 clearly disclosed that the transmission means (item 34) is made to carry out a current communication as claimed.

As per claims 11-16, the additionally claimed transmission techniques to ensure the received data are correct are extremely well known in the communication art. It would have been obvious for one skilled in the art to incorporate such well-known techniques into the Miyaguchi et al system so that the reception of the correct data can be assured.

4. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyaguchi et al (patent no. 6373147) in view of Foo et al (patent no. 6095554).

Art Unit: 3661

As per claims 3 and 4, it is noted that the additionally claimed filter means for the front collision sensor has not been disclosed in the Miyaguchi et al reference. However, such filter means is extremely well known in the art and clearly taught in figure 1, item 28 of the Foo et al reference. Hence, it would have been readily apparent for one skilled in the art to incorporate such well known filter means as taught in Foo et al into the Miyaguchi et al system so that the unwanted noise or interference can be eliminated.

5. The additional references are cited to show the related systems. Applicant(s) should consider them carefully when responding to the current office action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary Chin whose telephone number is (571) 272-6959. The examiner can normally be reached on Monday-Friday 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas G. Black can be reached on (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


GARY CHIN
PRIMARY EXAMINER